

REMARKS

In the restriction requirement dated April 21, 2009 the Examiner delineated patentably distinct inventions as shown on pages 2-3 of the Office Action. Accordingly, Applicants elect without traverse Group I (Claims 1-67, 116 and 122) drawn to compounds, pharmaceutical composition and TGF β inhibitors of formula (I).

Further, Applicants reserve the right to file divisional application on the non-elected subject matter, if so desired, and be accorded the benefit of the filing date of the parent application.

Divisional applications filed thereafter should not be subject to double-patenting ground of rejection, 35 U.S.C. §121, In re Joyce, (Commr. Pat. 1957) 115 USPQ 412.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. §803).

Applicants make no statement regarding the patentable distinction of the Groups but note that for the restriction to be proper there must be patentable differences.

Applicants submit that the above-identified application is now in condition for examination on the merits and an early notice of such action is earnestly solicited.

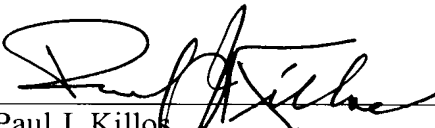
Respectfully submitted,

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